

# 7



I hereby certify that this correspondence is being filed by United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below.

PATENT 1

Paper No.

File No. NewMrktP98-1

Signed:

Peter K. Trzyna (Reg. No. 32,801)

Date:

29 Nov 2000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Anthony F. Herbst and Wayne	<b>RECEIVED</b> DEC 06 2000 Technology Center 2100
Serial No.	:	09/197,908	
Filed	:	November 23, 1998	
For	:	DIGITAL COMPUTER SYSTEM AND METHODS FOR MANAGING AN AUCTION MARKET FOR PREFERRED-RETURN SECURITIES	
Group Art Unit	:	2761	
Examiner	:	Retta Yehdega	

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE**

S I R :

In further response to the Office Action mailed 29 December 1999, in the above-referenced patent application, please reconsider the application in view of the enclosed and the remarks set forth below.

**I. REMARKS**

In the above-referenced Office Action, the Examiner has questioned the meaning of the term "instruments" in the context of the patent application and claims.

Applicant submits that the notion of a financial instrument was readily known to one having ordinary skill in the art at the time that the application was filed. The financial instrument terminology is widely used in SEC regulations. See, e.g., 17 CFR parts 210, 228, 229, 239, 240, 149, a portion of which are enclosed.

Additionally, In December 1991, the Financial Accounting Standards Board ("FASB") issued Statement 107, entitled *Disclosures about Fair Value of Financial Instruments*, in an attempt to enhance the relevance of financial instruments reporting. In October 1994, Statement 107 was amended by Statement 119, entitled *Disclosure about Derivative Financial Instruments and Fair Value of Financial Instruments*. See

PETER K. TRZYNA  
P. O. Box 7131  
Chicago, IL 60680-7131  
(312) 240-0824